

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CASE NO. 5:10-CR-00261-02

VERSUS

JUDGE ROBERT G. JAMES

RANDY WAYNE WILSON (02)

MAGISTRATE JUDGE HORNSBY

ORDER and REASONS

Before the Court is a Motion for Reduction of Sentence pursuant to Section 404 of the First Step Act of 2018, filed by Defendant Randy Wilson. [ECF No. 325]. For the reasons set forth below, the motion is DENIED.

On November 18, 2010, Wilson pleaded guilty to possession with the intent to distribute five grams or more of cocaine base. [ECF No. 106]. On March 10, 2011, the Court sentenced Wilson to ten years of imprisonment and eight years of supervised release. [ECF No. 125]. On October 4, 2013, the sentencing court granted Wilson's Motion to Vacate, Set Aside or Correct pursuant to 28 U.S.C. § 2255, finding Wilson was entitled to be resentenced under the Fair Sentencing Act of 2010, pursuant to *Dorsey v. United States*, 567 U.S. 260 (2012). [ECF No. 253 at 4]. A resentencing hearing was held on December 17, 2013. [ECF No. 276]. At the conclusion of the hearing, the Court imposed the same sentence – *i.e.*, ten years of imprisonment, followed by eight years of supervised release. [ECF Nos. 277, 286 at 14]. Thereafter, the Fifth Circuit affirmed the sentence. [ECF No. 296].

As set forth in the First Step Act, “No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010. . . .” First Step

Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat 5194 (2018). Because Wilson was resentenced on December 17, 2013 pursuant to the Fair Sentencing Act of 2010, the pending motion must be denied.

SIGNED this 27th day of January, 2021.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE